

S.D.N.Y. - N.Y.C.
18-cv-7000
Gardephe, J.

United States Court of Appeals
FOR THE
SECOND CIRCUIT

At a stated term of the United States Court of Appeals for the Second Circuit, held at the Thurgood Marshall United States Courthouse, 40 Foley Square, in the City of New York, on the 28th day of November, two thousand eighteen.

Present:

Debra Ann Livingston,
Susan L. Carney,
Richard J. Sullivan,
Circuit Judges.

Noman Nagi Alsomairi,

Petitioner-Appellant,

v.

18-2359

Jason Dawson, in his official capacity as Officer for Immigration
and Customs Enforcement, et al.,

Respondents-Appellees,

Hudson County Correctional Facility, Ron Edwards,
Warden of Hudson County Correctional Facility,

Respondents.

In re Noman Nagi Alsomairi,

Petitioner.

18-2769

The two above-captioned proceedings are consolidated for purposes of this order.

In the appeal docketed under 18-2359, Appellant moves for a stay, pending appeal, barring immigration officials from moving him out of the New York City area, and for a preliminary injunction regarding the Acting Attorney General's participation in this appeal. Appellees oppose the request for a stay and move to dismiss the appeal. Appellees have been granted an extension of time to respond to the request for a preliminary injunction.

Upon due consideration, it is hereby ORDERED that Appellees' motion to dismiss is GRANTED, the appeal is DISMISSED for lack of jurisdiction, and Appellant's motions for a stay and for a preliminary injunction are DENIED as moot. The order transferring Appellant's 28 U.S.C. § 2241 petition to the District of New Jersey, which is the subject of the appeal, is not immediately appealable under 28 U.S.C. § 1291 or otherwise. *See Cruz v. Ridge*, 383 F.3d 62, 64 (2d Cir. 2004) (per curiam); *SongByrd, Inc. v. Estate of Grossman*, 206 F.3d 172, 177 (2d Cir. 2000).

In the matter docketed under 18-2769, Petitioner seeks a writ of mandamus concerning the same transfer order. Upon due consideration, it is hereby ORDERED that the petition is DENIED because Petitioner has not demonstrated that he lacks an adequate, alternative means of obtaining relief, that he has a clear and indisputable right to the issuance of the writ, or that the writ is appropriate under the circumstances. *See Cheney v. U.S. Dist. Court for D.C.*, 542 U.S. 367, 380-81 (2004).

FOR THE COURT:

Catherine O'Hagan Wolfe, Clerk of Court

The block contains a handwritten signature in blue ink that reads "Catherine O'Hagan Wolfe". Overlaid on the signature is the official seal of the United States Second Circuit Court of Appeals. The seal is circular with a red outer ring containing the words "UNITED STATES" at the top and "COURT OF APPEALS" at the bottom. Inside the ring, the words "SECOND CIRCUIT" are written in the center, flanked by two small stars.